

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

FLEXIDER USA CORPORATION,

Plaintiff,

v.

**CINDY RICHMOND d/b/a REDS
TRUCKING; AIRFREIGHT.COM, a
Delaware Corporation; and TOTAL
QUALITY LOGISTICS, LLC,**

Defendants.

**Case No. 3:19-cv-00764
Judge Aleta A. Trauger**

ORDER

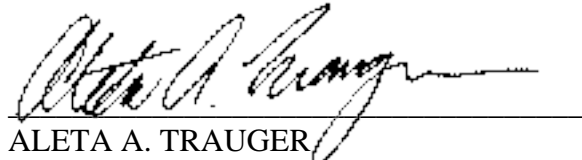
For the reasons set forth in the accompanying Memorandum, defendant Airfreight.com's Motion for Summary Judgment, or in the Alternative, for Partial Summary Judgment Limiting Liability (Doc. No. 92) is **GRANTED IN PART AND DENIED IN PART**. Insofar as Airfreight seeks dismissal of the Carmack Amendment claim against it (Count II of the Amended Complaint), the motion is **GRANTED**. In other respects, the motion is **DENIED**.

The Motion for Summary Judgment, or in the Alternative, for Partial Summary Judgment Limiting Liability filed by defendant Total Quality Logistics, LLC ("TQL") (Doc. No. 99) is likewise **GRANTED IN PART AND DENIED IN PART**. The motion is **DENIED**, insofar as it seeks judgment as to TQL's liability and seeks to limit such liability to \$346,542. The alternative motion to limit liability is **GRANTED IN PART**, in that the court finds that TQL's maximum possible liability for breach of contract is limited by the amount of insurance coverage it contracted to provide, or \$500,000.

Because the court has determined that TQL's Motion for Summary Judgment should be denied without reference to the new facts set forth in the plaintiff's proposed Supplement to Its Statement of Additional Disputed Material Facts or the exhibit attached thereto (Doc. Nos. Doc. No. 114-1, 114-2), the plaintiff's Motion for Leave to File Supplement to Statement of Additional Disputed Material Facts in Opposition to TQL's Motion for Summary Judgment (Doc. No. 114) is **DENIED**.

This case remains scheduled for trial to begin on June 29, 2021 at 9:00 A.M.

It is so **ORDERED**.



ALETA A. TRAUGER
United States District Judge